

### **REMARKS/ARGUMENTS**

In response to the Examiner's further Office Action of March 11, 2009 issued with respect to the present RCE application, the Applicant respectfully submits the following Remarks.

#### ***Regarding 35 USC 103(a) Rejections***

##### ***Regarding Rejection #1***

It is respectfully submitted that the subject matter of pending independent claim 14, and claims 17-27 dependent therefrom, is not taught or suggested by any one or more of Ikebata, Gierhart, Schwartz and Parthasarathy in view of Sekendur, for at least the following reasons.

Contrary to the Examiner's contentions, Sekendur merely discloses that the dots 1 designate coordinates of the surface (see col. 4, lines 29-49) and does not further disclose or suggest that each dot encodes data on an identity of the surface associated with a digital description of the surface, as is required by the claimed invention.

Thus, no combination of Sekendur and the other cited references of record would result in the claimed invention.

##### ***Regarding Rejection #2***

It is respectfully submitted that the subject matter of pending independent claim 14, and claims 17-27 dependent therefrom, is not taught or suggested by any one or more of Ikebata, Gierhart, Schwartz and Parthasarathy in view of Lapstun, because Lapstun is not available as prior art against the present application under 35 USC 103(c).

That is, the publication date of Lapstun is after the effective US filing date of the present application being the international filing date of October 10, 2003. Therefore, Lapstun is only available against the present application under 35 USC 102(e), and is therefore not available as prior art against the present application under 35 USC 103(c).

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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Jonathon Leigh Napper



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Paul Lapstun

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